


FILED   
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

10 DEC 13 AM 9:51

CLERK-SANTA FE

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, on the relation  
The State Engineer,  
  
Plaintiff,  
  
v.

Case No. 69cv-07941-BB  
  
Rio Chama Stream System  
  
Section 1 (mainstream)

ROMAN ARAGON, et al,  
  
Defendants.

### Motion to deny States motion to extend.

Comes now this Caballero (david ortiz), descendant of the 1598 Conquering Caballero's, pro se, Commissioner and Parciente of Don Juan de Onate's Acequia today known as the Acequia de Chamita, in the township of Chamita, formerly known as San Gabriel or San Juan y de Los Caballeros to question the States motion for an extension of time.

The State was given 21 days to show cause "why" the owners of water rights associated with certain sub-files under Chamita and Hernandez should NOT be served with orders to show cause regarding priority dates for their water rights. We all know the State does not want to go back 14 years, no matter all the errors and omissions made by the Court, Plaintiff, Lawyers and Acequia Commissioners.

What does it matter who they are? The State does not want to serve them no matter who they are. The Courts order to the State was not to identify the sub-files, but to show why they should not be allowed their day in court and what do they want, August 11, 1598 or 1600.

Your honor if the Court needs to identify these 2 Chamita sub-files as listed in Doc.9983, I can do it within 4 days after you request me to do it. I know who they are and I know where they live. The two (2) from Chamita are identified in Doc.9987. Out of the 86 parcientes listed in that document, probably 80 were not aware of the 1996 trial until I informed them. And I don't think any of them saw all the evidence and exhibits submitted to the Court by the Lawyer.

The Plaintiff's Lawyer called me (david ortiz) via telephone on Dec.6, 2010, approximately 4 PM, requesting a meeting, certain documents and a deposition as stated on the attached document

(not filed in court), received by slow mail on 12/8/2010. He asked if I was represented by counsel. I said no. The only counsel I would allow to represent me is either David Benavides or Ted Trujillo. Is the deposition just to determine the ownership of a certain sub-file? Why just me? Why not the other listed sub-files?

The Plaintiff states, "You are to bring the following documents and other materials in your possession for inspection and copying. I could just give them to the Court or State, which I will do since on Wednesday I have had to schedule a trip to Colorado to take a load of calves for the Thursday calf sale. I will call the plaintiff Lawyer to advise him.

Ask now if you had these water rights on the Acequia de Chamita, would you take 1600 with 2 other Acequias or stand first with August 11, 1598, the establishment date? And if you were in Hernandez you would immediately accept 1600, wouldn't you?

If Special Master Gabin had requested these in Doc.9983, she would have them already. Ask and you shall receive, seek and you shall find, knock and it shall be opened to you.

Case: 6:69-cv-07941-BB

Respectfully Submitted by Defendant David Ortiz,



David Ortiz

(Signature of Defendant)

David Ortiz, Commissioner/Treasurer

DAVID ORTIZ

(Printed name of Defendant)

P.O. Box 1082

(Street address or P.O. Box)

SAN JUAN PEBLO, NM

(City, State and Zip Code) 87566

Tract 17

Map 22

Subfile 267

June 23, 1976

File: 01835  
Subfile 267

Mr. David Ortiz  
P. O. Box 1082  
San Juan Pueblo, New Mexico 87556

Dear Mr. Ortiz:

Enclosed is your copy of Change of Ownership of Water Right  
for the above numbered file. Our records have been changed  
accordingly.

Very truly yours,

S. E. Reynolds  
State Engineer

JKC:fr

By:  
J. K. Cousens  
Engineer  
Water Rights Division



SF - 2 SHORT WARRANTY DEED (Joint Tenants) - Rev. 7-75 - New Mexico Statutory Form

**WARRANTY DEED (Joint Tenants)**

ALFREDO M. SALAZAR and ANTONIA M. SALAZAR, husband and wife  
 to DAVID ORTIZ  
 whose address is 609 Franklin, Santa Fe, New Mexico 87501  
 and CECILIA ORTIZ  
 whose address is 609 Franklin, Santa Fe, New Mexico 87501

JUN 17 PM 4:19  
 STATE ENGINEER OFFICE  
 SANTA FE, N.M.

as joint tenants the following described real estate in Rio Arriba County, New Mexico:

A certain tract or parcels of land, lying and being situate within and being a portion of Exception 1, Private Claim 247, P. 1 San Juan Pueblo Grant, Sections Nine (9) and Sixteen (16), Township Twenty-one (21) North of Range Eight (8) East of the New Mexico Principal Meridian, New Mexico, vicinity of Chamita, being more particularly bounded and described as follows:

Beginning at a point, U.S.G.L.O. Brass Marker, marked A.P. #4 of Exc. 1, P.C. 247, P.1, San Juan Pueblo Grant, Sec. 16, Twp. 21 N., R. 8 E., N.M.P.M., thence N. 48° 13' W., 200.0 feet; thence N. 19° 42' E., 3711.3 feet; thence S. 83° 28' E., 9.5 feet; thence N. 21° 08' E., 85.00 feet; thence S. 72° 56' E., 78.17 feet; thence N. 20° 26' E., 125.85 feet; thence S. 76° 25' E., 97.20 feet; thence S. 19° 44' W., 4013.6 feet to the point and place of beginning, containing 16.71 acres, more or less.

According to the Plat of Survey entitled "SURVEY REQUESTED BY ALFREDO M. SALAZAR" as prepared by J. C. Lujan, New Mexico Professional Engineer and Land Surveyor, License No. 3522 from notes taken in the field during December, 1975 and as the same was filed for record December 18, 1975 and recorded in Book 121-A, page 584, records of Rio Arriba County, New Mexico.

with warranty covenants.

WITNESS OUR hands and seal, this 30th day of January, 1976

*Alfredo M. Salazar*  
 Alfredo M. Salazar

(Seal)

*Antonia M. Salazar*  
 Antonia M. Salazar

(Seal)

(Seal)

(Seal)

**ACKNOWLEDGMENT FOR NATURAL PERSONS**

STATE OF NEW MEXICO

COUNTY OF Rio Arriba

The foregoing instrument was acknowledged before me this 30th day of January, 1976, by Alfredo M. Salazar and Antonia M. Salazar, husband and wife  
 (Name or Names of Person or Persons Acknowledging)

My commission expires: 18 January 1978  
 (Seal)

Notary Public

FOR RECORDER'S USE ONLY

FILED IN THE COUNTY

CLERK OF COUNTY

2-1-76

JOE A. BRANCH

County Clerk, Rio Arriba County, N.M.  
 By *Joe A. Branch* Deputy

**ACKNOWLEDGMENT FOR CORPORATION**

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

by \_\_\_\_\_  
 (Name of Officer)

(Title of Officer)

(Name of Corporation Acknowledging)

\_\_\_\_\_, corporation, on behalf of said corporation.  
 (State of Incorporation)

My commission expires:

Notary Public



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED 5R  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

10 DEC 13 AM 9:54

CLERK-SANTA FE

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

Section 1, Chama Mainstream

**NOTICE OF DEPOSITION DUCES TECUM**

TO: David Ortiz  
P.O. Box 1082  
San Juan Pueblo, NM 87566

Plaintiff State of New Mexico, *ex rel.* State Engineer gives notice the State will take your deposition pursuant to the Rules of Civil Procedure 26 and 30, before a notary public and certified court reporter beginning at 9:00 a.m. on Wednesday, December 15, 2010, at the Concha Ortiz y Pino Building, Office of the State Engineer, 130 South Capital, Conference Rm. A, Santa Fe, New Mexico. You are requested to bring the following documents and other materials in your possession for inspection and copying:

1. Deeds showing your ownership of all tracts of lands irrigated by the Acequia de Chamita.
2. Surveys of the tracts of lands identified above.

Dated: December 7, 2010

/s/ Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444 telephone  
(505) 867-2299 facsimile

**CERTIFICATE OF SERVICE**

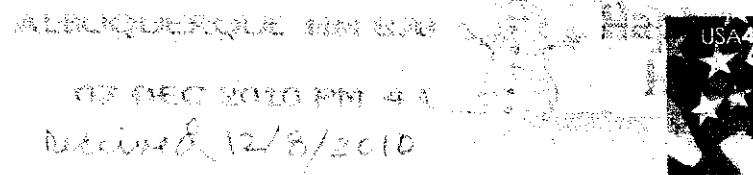
I HEREBY CERTIFY that on the 7th day of December 2010, I served a copy of this Notice of Deposition and Duces Tecum on the following persons at the addresses listed.

/s/ Ed Newville  
EDWARD G. NEWVILLE

David Ortiz  
P.O. Box 1082  
San Juan Pueblo, NM 87566

Acequia de Chamita  
c/o Fred Waltz, Esq.  
214 Kit Carson Rd #8  
Taos, NM 87571-6474  
Fred Waltz 7131313131

Newville  
P.O. Box 977  
Taos, NM 87043  
A



David Ortiz  
P.O. Box 1082  
San Juan Pueblo, NM 87566

87566-1082

